

ESTTA Tracking number: **ESTTA266154**

Filing date: **02/12/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047819
Party	Plaintiff Paul Stuart, Inc.
Correspondence Address	Paul Fields Darby & Darby P.C. 7 World Trade Center, 250 Greenwich Street New York, NY 10007-0042 UNITED STATES tmdocket@darbylaw.com, arubinstein@darbylaw.com, pfields@darbylaw.com
Submission	Withdrawal of Cancellation
Filer's Name	Paul Fields
Filer's e-mail	TMDocket@darbylaw.com, pfields@darbylaw.com, aantoniou@darbylaw.com
Signature	/Paul Fields/
Date	02/12/2009
Attachments	Request for Withdrawal of Proceeding.pdf (8 pages)(240392 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PAUL STUART, INC.,

Petitioner,

v.

GRACE WEXLER substituted for
POWDER, LLC

Respondent

Cancellation No. 92047819

(Reg. No. 2,843,001)

REQUEST FOR WITHDRAWAL OF PROCEEDING

Petitioner, Paul Stuart, Inc., hereby withdraws it's Petition for Cancellation in the above matter as the matter has been rendered moot. More specifically, Registration No. 2,843,001, which is the subject of this Cancellation Proceeding, has been assigned to the Petitioner. Such Assignment was recorded on 4 February, 2009 at Reel 3929, Frame 0852. A copy of the Notice of Recordation is attached hereto.

In view of the above, it is respectfully requested that this motion be granted and that Petitioner be permitted to withdraw its Petition without prejudice. Since Petitioner is now the owner of the subject Registration it is submitted that the consent of opposing counsel is not required to withdraw without prejudice.

Respectfully submitted,

DARBY & DARBY P.C.

Dated: New York, New York
February 12, 2009

By: 

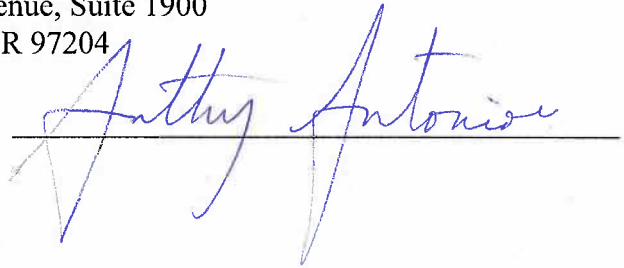
Paul Fields
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0042
Tel: (212) 527-7700
Fax: (212) 527-7701
Email: pfields@darbylaw.com

Attorneys for Petitioner
Paul Stuart, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2009, a copy of the foregoing **REQUEST FOR WITHDRAWAL OF PROCEEDING** was caused to be served upon counsel for Registrant, via First-Class Mail, postage prepaid, addressed as follows:

Steven Prewitt, Esq.
Yvonne E. Tingleaf, Esq.
SCHWABE, WILLIAMSON & WYATT
PacWest Center
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204

A handwritten signature in blue ink, reading "Anthony Antonise", is written over a horizontal line.

TO: PAUL FIELDS/DARBY & DARBY P.C. COMPANY: P.O. BOX 770, CHURCH STREET STATION



UNITED STATES PATENT AND TRADEMARK OFFICE

Facsimile Transmission

To: Name: PAUL FIELDS/DARBY & DARBY P.C.
 Company: P.O. BOX 770, CHURCH STREET STATION
 Fax Number: 12125277701
 Voice Phone:

From: Name: ASSIGNMENT SERVICES BRANCH
 Voice Phone: 571-272-3350

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Pg#	Description
1	Cover Page
2	116.TXT
4	Document 1, Batch 1555297

USPTO ASSIGNMENT SYSTEM PROCESSING

Date and time of transmission: Thursday, February 05, 2009 10:49:48 AM
Number of pages including this cover sheet: 05

TO:PAUL FIELDS/DARBY & DARBY P.C. COMPANY:P.O. BOX 770, CHURCH STREET STATION

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



900126279A

FEBRUARY 05, 2009

PTAS

PAUL FIELDS/DARBY & DARBY P.C.
P.O. BOX 770, CHURCH STREET STATION
NEW YORK, NY 10008-0770

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 02/04/2009

REEL/FRAME: 003929/0852
NUMBER OF PAGES: 3

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
DOCKET NUMBER: 06082/3204313-US0

ASSIGNOR:

WEXLER, GRACE

DOC DATE: 01/13/2009
CITIZENSHIP: UNITED STATES
ENTITY: INDIVIDUAL

ASSIGNEE:

PAUL STUART, INC.
18 EAST 45TH STREET
NEW YORK, NEW YORK 10017

CITIZENSHIP: NEW YORK
ENTITY: CORPORATION

APPLICATION NUMBER: 78200085
REGISTRATION NUMBER: 2843001

FILING DATE: 01/04/2003
ISSUE DATE: 05/18/2004

MARK: POWDER

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

TO:PAUL FIELDS/DARBY & DARBY P.C. COMPANY:P.O. BOX 770, CHURCH STREET STATION

003929/0852 PAGE 2

SHARON LATIMER, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

TO:PAUL FIELDS/DARBY & DARBY P.C. COMPANY:P.O. BOX 770, CHURCH STREET STATION

TRADEMARK ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.102/04/2009
900126279

SUBMISSION TYPE:	NEW ASSIGNMENT												
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL												
CONVEYING PARTY DATA													
<table border="1"><thead><tr><th>Name</th><th>Formerly</th><th>Execution Date</th><th>Entity Type</th></tr></thead><tbody><tr><td>Grace Wexler</td><td></td><td>01/13/2009</td><td>INDIVIDUAL: UNITED STATES</td></tr></tbody></table>	Name	Formerly	Execution Date	Entity Type	Grace Wexler		01/13/2009	INDIVIDUAL: UNITED STATES					
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Grace Wexler		01/13/2009	INDIVIDUAL: UNITED STATES										
RECEIVING PARTY DATA													
<table border="1"><tr><td>Name:</td><td>Paul Stuart, Inc.</td></tr><tr><td>Street Address:</td><td>18 East 45th Street</td></tr><tr><td>City:</td><td>New York</td></tr><tr><td>State/Country:</td><td>NEW YORK</td></tr><tr><td>Postal Code:</td><td>10017</td></tr><tr><td>Entity Type:</td><td>CORPORATION: NEW YORK</td></tr></table>	Name:	Paul Stuart, Inc.	Street Address:	18 East 45th Street	City:	New York	State/Country:	NEW YORK	Postal Code:	10017	Entity Type:	CORPORATION: NEW YORK	
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PROPERTY NUMBERS Total: 1													
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Property Type	Number	Word Mark											
Registration Number:	2843001	POWDER											
CORRESPONDENCE DATA													
Fax Number: (212)527-7701 <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>													
Phone: 212.527.7700													
Email: tmdocket@darbylaw.com													
Correspondent Name: Paul Fields/Darby & Darby P.C.													
Address Line 1: P.O. Box 770, Church Street Station													
Address Line 4: New York, NEW YORK 10008-0770													
ATTORNEY DOCKET NUMBER:	06082/3204313-US0												
NAME OF SUBMITTER:	Paul Fields												
Signature:	/Paul Fields/												
Date:	02/04/2009												

CH \$40.00 2843001

TO:PAUL FIELDS/DARBY & DARBY P.C. COMPANY:P.O. BOX 770, CHURCH STREET STATION

Total Attachments: 1

source=Assignment Grace Wexler - Paul Stuart, Inc. (Powder & Design)#page1.tif